

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
February 21, 2023**

**MEMBERS PRESENT**

Paul Thomas, Chairman  
Jack Auspitz  
Tom Bonanno  
Gerald Dolan  
Justin Carroll  
Alex Ferrini  
Gerry Thorpe

**MEMBERS ABSENT**

Secretary – Arlene Campbell

**ALSO PRESENT**

Eliot Werner, Liaison Officer  
Jeff Newman, MCEI

Chairman Paul Thomas opened the meeting to order at 7:31 pm.

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

**MTS Realty Non-Hosted STR permit** – property owned by Barry Milea located at 132 Rymph Road, **Tax Grid No. 6366-00-065969.**

Applicant seeks a special permit for a Non-hosted STR pursuant to Sec. 250-69.1 of the Town Code.

Chairman Thomas motioned to open the public hearing, seconded by Mr. Carroll, All Aye, Motion carried, 6-0.

Gilda Elser, property manager appeared and explained her application. This property is part of the Milea Winery and will generally be rented to people who are visiting the winery. They will be using the Red Cottage or Stay Marquis Vacation Rentals. Their guests will be vetted through their concierge manager immediately upon booking. Guests will need to be 25 years older and will be informed that parties and large gatherings are not permitted. She added that they have installed a noise sensor in the home in regards to the town noise ordinance. Ms. Elser noted that she will be the main contact person of this short-term rental.

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Ms. Elser indicated her previous experience as a property manager in one of the short-term rentals in the town. She underscored that they never had a problem and she is confident that there will be no issue with this rental. This rental is primarily used by the winery guests.

Chairman Thomas asked Ms. Elser what she meant by primarily use of the winery guests. Ms. Elser responded that the winery website will have an ad about the use of this property for their guests.

Chairman Thomas asked the applicant how many lodgers they are proposing. Ms. Elser responded that they are proposing 6 lodgers with 0 guests. There will be no pull-out couch. She underscored that they are adamant about 6 people.

Chairman Thomas solicited comments from the public.

Barbara Baker, 412 Hollow Rd spoke and expressed her strong concern about the transient from different places and the safety of the neighborhood. She also commented that the house is too close to the road and can only fit one car. She expressed her concern about the guests who will be using the road to park their cars that will make it dangerous on Rymph Road.

Mr. Auspitz read the letter from the neighboring property owner, James and Lori Brands noting the deed restriction on this parcel about the short-term rental use. The prohibition was put in given the historical background of the home that was built in 1747 and the rural character of Rymph Road.

Mr. Auspitz read the deed restriction stating, "Said residence shall be occupied as a single family residence only due to its historic background and rural character of the neighborhood and shall not be utilized for as a short-term rental for under a one year period. This restriction shall run with the land and be binding on their grantees, distributes and/or successors ...."

Hearing no more comments from the public, the board closed the public hearing.

Chairman Thomas motioned to close the public hearing, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

**Wolpe Non-Hosted Short-Term Rental** – property located at 150 Kansas Road,  
**Tax Grid No. 6369-00-830177**

Applicant seeks a special permit for a Non-Hosted STR pursuant to  
Sec. 250-69.1 of the town code.

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Catherine Wolpe appeared and briefly explained that she is seeking four lodgers. This is a two-bedroom, one bathroom house. She lives here half of the year and wants to rent this out when she's not around. Ms. Wolpe indicated the short-term rental permit that was granted to her in 2021.

Chairman Thomas motioned to open the public hearing, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

Hearing none, the board agreed to close the public hearing.

Mr. Dolan motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 6-0.

**APPLICATIONS:**

**MTS Realty Non-Hosted STR Permit** – property owned by Barry Milea located at 132 Rymph Road, **Tax Grid No. 6366-00-065969.**

Applicant seeks a special permit for a Non-hosted STR pursuant to Sec. 250-69.1 of the Town Code.

The board discussed the application.

Mr. Auspitz asked Ms. Elser if she is aware of this deed restriction. Ms. Elser responded, "Yes." She stated that she believed that Mr. Brands was adamant about the no use of AirBnB when Mr. Brands sold the property to Mr. Milea. Ms. Elser stated that Mr. Milea agreed that the property will primarily be only rented to the guests of the winery.

The board discussed the town attorney's opinion about the above issue.

Chairman Thomas stated that it is not the place for the board to enforce deed restrictions. The fact that the restriction covenant exists is a factor to be taken into an account in reviewing the STR applications. If the board decides to approve the permit, then Mr. Brands has the discretion to take the Mileas to the court to enforce the restriction. The board can take this covenant into an account in their deliberation.

Mr. Carroll asked if the application is broader than the limitation stated in Mr. Brands' letter i.e. to house their employees and to allow newlyweds to stay in the house as part of the Milea Vineyard wedding package so the newlyweds would not have to drive. The Brands have no objection to this usage as they felt that

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this usage is not an AirBnB usage and will not be advertised on an AirBnB website.

Ms. Elser stated that Mr. Brands is okay with them renting the property for anything that would take place through the winery.

Mr. Carroll said that what he's hearing is that the application is meant to be broader than that. Ms. Elser agreed.

Mr. Carroll commented that Red Cottage and Stay Marquis manage rentals through AirBnB. He asked, "Do you go to Red Cottage to find the rental?" Ms. Elser responded, "Yes, you can." If somebody finds the rental through AirBnB then it gets vetted through Red Cottage then it gets forwarded to her. You can also rent directly to Red Cottage.

Ms. Elser explained the process of the rental.

Mr. Auspitz expressed his concern. The covenant is agreed and signed by Mr. Milea and now he's doing the opposite. He agreed that this property will not be used for short-term rentals given the historical nature of the house and the character of the road.

Ms. Elser felt that any deed restriction is not a town issue but a county issue. Mr. Auspitz remarked, "No." This is a private and court issue.

Mr. Ferrini shared Mr. Auspitz' concern. Per his understanding of the short-term law and the definition of the "dwelling" and "Short-Term rental", the town board passes this law not to allow the use of the property as a commercial use. He feels that renting this property through the winery is like running a hotel or bed and breakfast. It sounds more like a commercial use.

Chairman Thomas agreed with the comment since the proposed use of the house is no longer a private residence.

Mr. Auspitz agreed and cited an instance about a property that the owner is always out of the country and the sole use of the property is a short-term rental.

Mr. Auspitz stated that the certificate of occupancy issued for this house is only for two bedrooms. Ms. Campbell noted that this is a legal two-bedroom house. (It was noted that the applicant is seeking 6 lodgers that is a standard for a 3-bedroom house). The applicant needs to file a building permit to increase the number of bedrooms to three. (Also noted that the size of the septic tank for this property is 1,000 gallons that is capable of handling three bedrooms.)

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Mr. Bonanno commented that it seems that the property can be used as short-term rental if the guest is connected through the winery event. It's a question whether this is an AirBnB or not.

Mr. Auspitz asked, "If Mr. Brands is okay with the bride and groom then will he also be okay renting this property out to the maid of honor, bridesmaid and best man? Ms. Elser responded, "Yes." Per her understanding, as long as the guests are connected with the event in the winery.

Mr. Carroll asked, "If they're okay with that, then what is the difference with everyone else? He remarked, "What is the purpose of not following the restriction not unless they are trying to reach out to a broader audience?"

Chairman Thomas noted that the winery does not have a legal use to host Ag Events as of now. They won't be able to put any winery events' guests in the house unless they are employees.

Ms. Elser said that they normally have guests in the winery that would come up for the weekend.

Chairman Thomas commented that this proposal is too broad in terms of what the applicant is doing. He will be comfortable if the rental will be used in connection with the winery and will not be opened to the general public.

Mr. Carroll remarked, "There is no way to enforce that!"

Chairman Thomas agreed with Mr. Carroll. He stated that they cannot advertise except through the winery.

The board had a lengthy discussion about the application on hand.

Chairman Thomas stated that the board has 62 days to give a determination after the public hearing is closed. He is not favorable to the current proposal the way it is right now. He suggested that Mr. Milea talks to Judge Brands and lays out his proposal and builds some limitations. Maybe Mr. Brands will agree.

Mr. Auspitz stated that he can craft a resolution that states "solely in connection with the guests of the winery."

Mr. Ferrini commented that this still sounds like a hotel. This is not "I own the house to live in." This is still a business-related purpose which he doesn't think is the intent of the law.

Mr. Auspitz disagreed.

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Ms. Elser stated that there was an agreement between Mr. Milea and Mr. Brands that states that as long as the guests are connected with the winery.

Mr. Auspitz stated that Mr. Ferrini is not talking about that. Mr. Ferrini made a comment about the use of the property as a business enterprise.

Mr. Carroll commented that in terms of ownership, the short-term law allows two properties per property owner. Pairing it with a commercial enterprise is different. You cannot build an empire to have short-term rentals like having 10 properties to be used as short-term rentals.

The board discussed the definition of the “Dwelling” and “Short-term Rental” per the regulations.

Mr. Auspitz read the definition per Sec. 105 of the Town of Clinton Zoning Regulation.

**DWELLING** - A house or other building designed or used primarily for human habitation. The word "dwelling" shall not include tourist homes, mobile homes, camping vehicles, motels, hotels or other structures designed for transient or temporary residence. A bus is not construed to be a dwelling.

**Short-term Rental** - Any Dwelling or Accessory Dwelling Unit, or part thereof, which is rented in exchange for consideration, monetary or otherwise, by the owner(s) in exchange for temporary occupancy for a period of less than 30 consecutive nights, and is not a Bed and Breakfast Establishments, Hotels, Motels, Camps and Campgrounds.

Mr. Newman cited an instance where the previous ZEO Fenton denied a hosted short-term application who has a special permit for a commercial entity and made a determination that the purpose of the short-term rental law is to maintain the residential use of the property and not as a commercial entity to operate a hotel.

After a very lengthy discussion, the board agreed that they need an interpretation from the MCEI whether a business entity who owns a residential property with no intention of using it as a residence be issued a short-term rental. Also, check with Mr. Brands if he’s okay limiting the rental to the winery guests. It would be great if the board can get a letter from the neighbor agreeing to the limitation. The applicant needs to work this out with the neighbor.

Ms. Elser asked if Mr. Brands don't want the rental advertised on any rental platform. Mr. Auspitz responded, “Yes, as it clearly stated on the deed.”

The board agreed to table the application.

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No action taken.

**Wolpe Non-Hosted Short-term Rental** – property located at 150 Kansas Road,  
**Tax Grid No. 6369-00-830177**

Applicant seeks a special permit for a Non-Hosted STR pursuant to  
Sec. 250-69.1 of the town code.

The board discussed the application.

Mr. Dolan indicated the outstanding items that were cleared up. It was noted that this property received an approval to host four lodgers in 2021 but failed to renew the permit on time.

Mr. Dolan motioned that the Town of Clinton Planning Board approves the following resolution:

***BE IT RESOLVED***, that the Town of Clinton Planning Board grants approval in the matter of Catherine Wolpe Non- Hosted Short-term Rentals on property located at 150 Kansas Road, Tax Grid No. 6369-00-830177.

**Whereas**, the Town of Clinton Planning Board has received an application for a Special Use Permit from Catherine Wolpe for the purpose of utilizing a] “Dwelling Unit” located at 150 Kansas Rd. in the Town of Clinton as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law to replace an expired permit; and

**Whereas**, the subject property is identified as tax parcel number 132400-6369-00-830177 and is located in the AR5A Zoning District; and

**Whereas**, the applicant does not propose any alteration, excavation or construction on the site in connection with the requested permit; and

**Whereas**, the applicant has submitted an inspection report, dated within ninety days of the date of the application, stating that the existing sewage disposal system serving the Dwelling Unit is adequately functioning for its intended use at the time of inspection; and

**Whereas**, a Short Form EAF, Part 1, has been received and reviewed; and

**Whereas**, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment based on the criteria set forth in 6 NYCRR 617.7(c) and qualifies as a Type II action under SEQR (6 NYCRR 617.5(c)(18) (“reuse of a residential or commercial structure”)); and

**Whereas**, the Planning Board conducted a public hearing during its regular meeting on February 21, 2023; and

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**Whereas**, the Zoning Administrator has inspected the Dwelling Unit and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property; and

**Whereas**, the Planning Board referred the application to the Dutchess County Department of Planning and Development pursuant to General Municipal Law, Sections 239-l and m, and has received a response indicating the application is “a matter of local concern”; and the application was also referred to the Town of Clinton Highway Dept. and the West Clinton Fire Department, and

**Whereas**, the Dwelling Unit will be utilized as a Non-Hosted Short-Term Rental subject to the following conditions and limitations: **Maximum of 2 vehicles at any time; only Ms. Wolpe or her designated local emergency contact can be used for any communication; none of the neighbors may be approached for assistance; the very hazardous condition of the 1 lane road must be stressed with all renters;** and

**Whereas**, the Planning Board has determined that the maximum number of Lodgers allowed shall be 4 persons and the maximum number of daytime visitors permitted on the property shall be 4 persons; and

**Whereas**, after review of the application and all other submissions by the applicant[s], the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

**Whereas**, this Special Use Permit shall remain in effect for one year from the date of approval by the Planning Board and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

**Whereas**, the applicant[s] shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while it is being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use; and

**Whereas**, all applicable fees have been paid:

**Now Therefore Be It Resolved**, that the Planning Board hereby grants approval of the requested Special Use Permit, effective as of the date of this resolution.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 4**

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 6-0.



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**Fasman and Payson Non-Hosted STR** – property located at 425 Lake Drive, Tax Grid No. 6469-00-106349.

Applicants seek a special permit to operate a Non-Hosted Short-term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Dr. Victor Zelek appeared on behalf of the property owners. Mr. Zelek briefly explained that he is a personal friend and has known the Fasmans for many years. Ms. Payson is an architect who designed their house. They are gradually moving full time to this area. He stated that the Fasmans still have to go back and forth to the west coast due to work in San Francisco. They are seeking to host short-term rentals during the summer months when they are not around.

Ms. Campbell noted that the application on hand is for two short-term rentals (main home and the guest cottage).

Chairman Thomas asked what is the intention for the guest house. Will this be rented separately? Mr. Zelek responded that he doesn't know the answer to this question. The guest studio is a one- bedroom unit.

Chairman Thomas commented that this issue came up in the past about the intention of hosting two short-term rentals on the property (house and ADU) wherein two short-term rentals on the property are proposed.

The board discussed the application. Mr. Carroll stated that the application is very thorough. It is a question whether the property is being rented as a compound or separate.

The board discussed whether two Non-Hosted rentals on the property (house and ADU) is a violation of ADU special permit since ADU requires owner occupancy per the regulation.

Mr. Carroll noted that per the application, the property owners occupied the home and the guest studio when the property was not rented. He is comfortable that these dwellings are both on the same property. He is not sure whether the two units will be rented together or not.

Chairman Thomas stated that the answer to this question is material to him. It feels more intrusive to have two separate guests and this means more guests and more cars on the property.

After a lengthy discussion about the issue, the board agreed that Mr. Zelek will ask the Fasmans about the intent.

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The board discussed the number of lodgers. The main house has 3 bedrooms and the guest cottage has a certificate of occupancy for one bedroom (eligible for a total of 8 lodgers).

Mr. Zalek commented that Ms. Payson does not want too many people in the main house knowing Ms. Payson.

Mr. Carroll recapped the outstanding issues for this application. (1) A question whether the dwellings will be rented separately or as a package? (2) Maximum number of the lodgers.

Ms. Campbell noted that the application states “No more than 4 lodgers in the main house.”

The board agreed to set a public hearing.

Mr. Carroll motioned the following resolution, to wit:

**Whereas**, the Town of Clinton Planning Board has received an application for a Special Use Permit from **Michael Fasman and Karin Payson** for the purpose of utilizing a principal residence and an accessory dwelling unit located at 425 Lake Drive in the Town of Clinton as Non-Hosted Short-Term Rentals pursuant to Section 250-69.1 of the Zoning Law; and

**Whereas**, the subject property is identified as tax parcel number 6469-00-106349 and is located in the C Zoning District; and

**Whereas**, a Short Form EAF, Part 1, has been received; and

**Whereas**, on February 20, 2023, the Town of Clinton received an authorization form for Victor Zelek to appear on the applicants’ behalf at the Planning Board meeting in connection with the application; and

**Whereas**, the applicants do not propose any alteration, excavation or construction on the site in connection with the requested permit; and

**Whereas**, the applicants have submitted an inspection report, dated within ninety days of the date of the application, stating that the existing sewage disposal system serving the principal dwelling and accessory dwelling unit is adequately functioning for the intended use at the time of inspection; and

**Whereas**, the Zoning Administrator has inspected the property and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for the use of the parcel as a Non-Hosted Short-Term Rental within the Town of Clinton; and

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**Whereas**, all applicable fees have been paid:

**Now, Therefore Be It Resolved**, that the Planning Board has determined the proposed project is a Type II action and that no further SEQRA review will be required; and

**Be It Further Resolved**, that the Planning Board directs that the application and related documents be sent to the following interested agencies: West Clinton Fire District; Town of Clinton Highway Department and Dutchess County Department of Planning and Development; and

**Be It Further Resolved**, that the Planning Board will hold a public hearing on this application at its meeting scheduled for March 7, 2023.

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 6-0.

**Hart Ag Events** – property owned by Donald and Kayla Hart located at 188 Schultz Hill Road, **Tax Grid No. 6368-00-285540.**

Applicants seek a special permit to create an event center/venue in order to host wedding events, non-profit fundraising events, cultural, artistic and musical performances and other party celebrations on a 33.1 acre parcel in the AR5 Zoning District.

Mr. and Mrs. Hart along with Tim Martin appeared for this application. Mr. Hart stated that they owned a total of 107 acres (3 parcels) on Schultz Hill Road. They have a barn that is not being used and he has friends who asked them if they can get married there. They want to maximize the use of the property. They are proposing an event venue to host non-profit fundraising events, weddings, etc.

Mrs. Hart added that they live here and they don't have the intention of having huge weddings or turning this into a wedding mill. They don't want this for themselves and they don't want this for their neighbors and the neighborhood. She indicated that the number of events proposed is stated on the narrative statement submitted to the board (letter on file).

Mr. Martin (192 Schultz Hill Road) noted that this is a working farm property.

Mr. Auspitz asked, "The goat farm operation belongs to somebody else, is that right?" Mr. Hart responded, "Correct."

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Mr. Auspitz asked, “Nothing beyond that?”

Mr. Hart affirmed the question. He stated that they have had a farm goat operation since 2015.

It was noted that 60 acres of the Harts’ lands are leased by Hudson Hollow Farm with Farm and Sassy Goats as Farm Operators. Their business is currently devoted to weed management (aka “Greenscaping”). Hudson Hollow Farm allows this farm operator to shelter/pasture between 50 to 100 goats each year.

Chairman Thomas asked about the details of the goat farm operation. Mr. Hart explained the farm goat operation. Hudson Hollow Farm has clients in Rhinebeck, Red Hook and Westchester County. He added that Hudson Hollow Farm is also expanding the farm operation to maybe sheep, etc.

Mr. Auspitz asked if any part of the revenue from the Ag Events’ goes to the farm operator. Mr. Hart responded, “This is not the plan that they ever have.” They certainly hope that it can benefit the farmers in some ways.

Ms. Hart said that the farm operator can benefit by having the goats engage in some interactions like pictures with the guests. She noted that they did invest a good amount of money in the past in pasturing and clearing the land though they don’t want to do any more tree clearing.

Chairman Thomas explained Mr. Auspitz’s question. There is a threshold definition issue whether this is a farm. The Ag Events law requires that they have \$50k in revenue from Ag operation.

Chairman Thomas stated that he has a question whether the proposal fits the definition of “Farm”. The town created the Ag Events Law in 2021 and revised the Conference Center Law at the same time. If Hart's proposal doesn't fit the Ag Events Law, Mr. Thomas stated that the Conference Center Law might be an option. The proposed activities might fit in the Conference Center Law.

Chairman Thomas stated that the difference between the two regulations is the process. The approval process is not streamlined on Conference Center Regulation while it’s a little more streamline in Ag Market’s Regulation. At the end of the day, they are kind of identical and both host events. They allow weddings.

Ms. Hart commented that when she thinks of the conference center it gives her the idea of bright lights and paved roads. It takes away all the open space and the county and rural character of what they’re trying to propose.

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Chairman Thomas explained that they can still do exactly what they're proposing like hosting events and weddings. It's just a different timeline of processing and requires a little more submission.

The board discussed the process of the Conference center and Ag Events.

Chairman Thomas read the definition of Farm per Sec. 250-105 of the zoning law.

**Farm** - A parcel of land of not less than five acres used for the production of crops, livestock or livestock products, including dairy, poultry, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations **used primarily for the raising of agricultural or horticultural commodities** and having an annual gross sales value of production of \$1,000 or more.

Chairman Thomas commented that allowing the animals to just graze on the property doesn't fit this definition.

Mr. Hart stated that these goats do not just graze their property but they also graze other properties. He noted that they have been a working farm and was recognized and accepted as "Farm" by the town assessor and the county since 2015. They are in the Ag District.

Chairman Thomas said that the town does not administer the Ag District. That is the county's jurisdiction. This is the subset of the rules in the town. He understands that the Hart has an Ag Exemption but that doesn't define the farm.

The board had a lengthy discussion about the issue.

Chairman Thomas asked the applicant if they are producing livestock on the property. Mr. Hart and Mr. Martin both responded, "Yes." Chairman Thomas asked, "How?"

Ms. Hart responded that this is their first season with Hudson Hollow Farm. They are relatively new but they are planning on breeding animals. Chairman Thomas asked if they are selling goat products such as milk, cheese? Mr. Martin responded, "Not yet."

It was noted that Ag Events Law was adopted in 2021 and the regulation about Conference Centre (Sec. 250.45) was revised.

A lengthy discussion was made whether this proposal falls under the regulation of the Ag Events Law (Sec. 250-45.1)

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**Agricultural Event Venue**: A portion of a Farm available for hire as a location for Events, which may take place in tents, gazebos, barns, open areas, or residential Structures (including Buildings) for the purpose of promoting Agri-Tourism. To qualify as an Agricultural Event Venue, the Farm must be located in an Agricultural District or generate annual gross revenues of at least \$50,000 from Agricultural Operations as defined in Section 301 (2) of the N.Y. Agriculture and Markets Law, not including revenue generated from Event proceeds.

**Conference Center** - An establishment for hire as a location for events used for business or professional conferences and seminars, often with rooms for lodging, eating, and recreational activities. Also, an establishment which attracts clients principally for recreational or health activities and contains rooms for lodging and eating for its clients. [Amended 6-8-2021 by L.L. No. 4-2021, effective 6-17-2021]

Mr. Newman commented that there is a relationship between “Farms” and “Agricultural Operations”.

**Sec. 250-105 Definition states - AGRICULTURE, AGRICULTURAL OPERATIONS or AGRICULTURAL PRACTICES** - All activities conducted on a farm, necessary to the operation of a farm, or activities conducted in accordance with animal husbandry regulations contained herein.

Mr. Newman also indicated the definition of animal husbandry per Sec. 250-105 and as stated below.

**Animal Husbandry** - The keeping, grazing, feeding and care of animals or fowl (poultry) other than household pets.....

The board discussed the definition of “Farm” as it relates to “.....used primarily for the raising of agricultural or horticultural commodities”

Mr. Newman commented that it’s a question of “What do they do with the goat after?” Mr. Hart responded that he doesn’t want to speak for the goat farmer.

Chairman Thomas stated that he doesn’t want to speak for the town but opined that they want these facilities limited to farms that are raising products for instance -- if you have a winery then you serve wine at the wedding. He reiterated that none of these issues will limit their ability to do what they want to do. This is a matter of which process they use (Ag Events Law or Conference Center).

Mr. Auspitz commented that he doesn’t have a problem with it as long as they are keeping things on a conceptual level. He added that there is a separation between revenues generated by farmers and revenues generated from leasing

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the land. The idea of Ag Events Law is to encourage the farmers and to do farming. He commented that this proposal doesn't do that. The revenue from doing the events goes to the landowners and not the farmers. Mr. Auspitz stated that he is more troubled on this rather than using the conference center regulation to file the application.

Ms. Hart stated that they do not charge the farmers. They give them electricity, water, etc. Ms. Campbell stated that the landowners also benefit from the tax exemption.

Mr. Bonanno asked, "Out of 107 acres of land, how many acres are being leased?" Mr. Hart responded, "60 acres". The event is proposed primarily on the two parcels. The pasture is mostly on the open parcels.

Chairman Thomas asked the MCEI if the new proposed law has any bearing on this application. Mr. Newman responded, "Yes." The new law is focused on farm operations in relation to the Ag and Markets law. The Ag Event Law is a stand-alone law. The difference between the Ag Events and Conference Center Law is intensity. The intent of the law in Ag Events has more intensity than the conference center. The Planning Board has the ability to limit the number of events in the Ag Events in consideration with the farm operations. He noted that the primary intention is to support farm operations.

Ms. Hart asked about the procedural process of the conference center. Do they need to apply for each event? Chairman Thomas explained that both provisions require annual permit renewal. The MCEI needs to make a report whether there is any complaint.

Mr. Newman responded that in case of the Ag Events, attendees of more than 50 people will require notification to the Chief of the Fire Department.

Chairman Thomas asked the applicant about the proposed access to the property. Mr. Hart responded that they are proposing a new access between 188 and 192 Schultz Hill Road. The road is not built yet. They are proposing the new access to alleviate issues with the adjoining property.

Chairman Thomas explained the procedural process to the applicant. The town engineer needs to review the application. They will need a site plan, names and addresses of the adjacent property owners, new access needs to be reviewed by the Highway Department, capacity and the details of the parking spaces, lighting plan, restroom, & location of the septic system.

Chairman Thomas asked what is the current use of the barn. Mr. Hart responded that the barn is currently used to store hay and machinery.

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Chairman Thomas asked Mr. Hart about his plans to convert the barn into an event venue. Mr. Hart responded that he will defer this question to the town. Chairman Thomas stated that this needs to be addressed by the town engineer and town planner.

Ms. Hart described the barn that is proposed to be the venue. The barn is 75' x 38'. It currently has lighting. She noted that this barn has a lot of egress.

Mr. Carroll indicated his issue about the event space area that needs to be 500 feet from the adjoining properties. He asked, "Where is it measured from?"

The board exchanged opinions about the event area.

Mr. Newman read the regulation per Sec. 250-45.1 of the zoning regulation.

**Outdoor Events:** All Outdoor Events shall be contained within the Event Area to be determined by the Planning Board and specified on the approved Site Plan. Tents and other temporary structures shall be located within the approved Event Area. The boundaries of the Event Area, excluding parking areas, shall be located at least 500 feet from any Lot Line which separates the property of an Agricultural Event Venue from an adjacent property not owned by the owner of the Agricultural Event Venue property.

Mr. Newmann opined that per his understanding of the law – the event area is the actual event area and not the parking area.

Mr. Carroll pointed on the map and said that if there is a building here and a building there, then the event area is the square that encompasses both.

Mr. Newmann said that it's a question of – "Will the outside space of the barn be used for events or are they specifically saying, "Nope, outdoor area is up here, barn is close and the event is inside the barn."

Mr. Thomas asked Mr. Newmann, "Are you saying "It's Either - Or"?"

Mr. Carroll feels that if you are in the barn having a drink and you want to go out of the barn to walk to the tent and dance, talking to friends & outside people, etc. then the whole area is an event space area

Mr. Newmann commented that if it is a passage from the building to the outdoor event area, then he doesn't view this as not attached to the event area. The likelihood of having a large building where you're going to have a congregation outside is high. This is for the board to decide.

Mr. Carroll said that it is a question of "What is an Event Area?"



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Chairman Thomas agreed. The board needs to determine the event area.

Mr. Newmann commented that it is specifically the outdoor area.

Mr. Carroll disagreed with Mr. Newmann. He said, "No, It's not!" The outdoor area is within the event area.

Mr. Newmann disagreed and stated that the law only refers to outdoor event areas.

Mr. Alex agreed with Mr. Carroll. If you walked out of the barn to the tent then it is part of the event area.

Chairman Thomas doesn't think that walking from the barn to the tent area, drinking, singing and talking are just like a passage area.

The board exchanged opinions about the event area and the 500 feet setback requirement.

Chairman Thomas stated that one option is by getting an area variance.

Mr. Hart stated that they are willing to seek an area variance. He indicated their plans of planting more trees to help mitigate the sound and visual impact.

Mr. Hart pointed on the map where the event area is proposed. The tent is proposed to be installed near the barn. The pond is also within 500 feet. He noted that the barn has amplified sounds. Chairman Thomas suggested closing the barn doors to contain the sound.

Chairman Thomas explained the variance process. It makes sense to get the variance first before proceeding with the application.

After a very lengthy discussion, the board agreed not to set up an escrow until the variance is granted. MCEI Newman needs to make a determination first whether this proposal is an Ag Event or Conference Center.

No action taken.

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**Upton Lake Christian School (Board Discussion) – Salt Point Turnpike, Tax Grid No. 6566-02-587843 & 648951.**

Upton Lake wishes to build a new high school that will be connected to an existing elementary school.

Mr. Bonanno gave an update about the above application per his attendance of the Town of Washington PB meeting. He indicated the wetlands on the property that might trigger some action. The Town of Washington Planning board is still conducting a workshop of this application.

The board discussed the wetlands on the property. There is a stream and a pond on the Clinton parcel. The intent is to pave the driveway that is close to the pond.

Chairman Thomas stated that the board can only make comments and suggestions about this application. It will require wetlands permit from the town if there is a construction or activity within 100 feet or 50 feet of the wetland (depending on the size of the wetlands).

Mr. Bonanno stated that the builder is supposed to come before the Town of Clinton to talk about the wetlands if it triggers an action.

Chairman Thomas asked if Mr. Bonanno can get a copy of the updated site plan from the Town of Washington so that the board can review the proposal. Mr. Bonanno agreed.

No action taken.

**BOARD DISCUSSION:**

1. Mr. Newmann discussed the RV Interlake situation with the board. It was noted that this property is under new management.
2. Mr. Werner and MCEI Newman discussed the proposed Local Law about Farm Operations.

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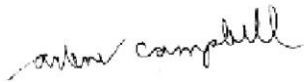
**APPROVAL OF MINUTES:**

Mr. Dolan motioned to approve the minutes of February 7, 2023, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 10:05 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,



Arlene A. Campbell, Clerk  
Planning & Zoning Board of Appeals